

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>KIM PENDLETON,</b>	:	<b>CIVIL ACTION</b>
<i>Plaintiff,</i>	:	
	:	
v.	:	
	:	
<b>MICHAEL ASTRUE,</b>	:	
<i>Commissioner of Social Security,</i>	:	
<i>Defendant.</i>	:	<b>No. 09-3667</b>

**ORDER**

**AND NOW**, this 8<sup>th</sup> day of April, 2011, upon review and independent consideration of Plaintiff Kim Pendleton's Motion for Summary Judgment, Ms. Pendleton's Brief and Statement of Issues in Support of Request for Review, Defendant's Response thereto, and the Report and Recommendation of U.S. Magistrate Judge Sandra Moore Wells, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. Plaintiff's Request for Review is **GRANTED** in part and **DENIED** in part;
3. This case is **REMANDED** to the Commissioner so that the Administrative Law Judge ("ALJ") can conduct additional proceedings consistent with the Report and Recommendation.<sup>1</sup>
4. This case is placed in **SUSPENSE** pending the outcome of the ALJ proceedings.

BY THE COURT:

S/Gene E.K. Pratter  
GENE E.K. PRATTER  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Specifically, upon remand, the ALJ shall (1) assess Plaintiff's asthma; (2) assess Plaintiff's depression; (3) reassess Plaintiff's residual functional capacity, considering all of her impairments and their exertional and non-exertional limitations; and (4) if necessary, submit a complete and accurate hypothetical question to a vocational expert, allowing Plaintiff opportunity to respond to the expert's conclusions.